

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Marvin & Barbara Teyler, 1421 Shade Tree Circle, Billings, MT 59102
2. Type of action: Application to Change an Existing Irrigation Water Right 43D 30121997
3. Water source name: Rock Creek
4. Location affected by project: Section 6 and &, T6S, R21E, Carbon County
1. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to take 1.0 AC severed from the historical place of use by a quit claim deed dated April 12, 2019, and move that to 1.0 AC in Govt Lot 19 (SWSESW) Section 6, T6S, R21E. Applicant proposes to change the point of diversion from a headgate on Rock Creek in the SENWSW Section 7, T6S, R21E to a pump and a transitory point of diversion along Rock Creek adjacent to Applicant's property from SWSWSE to NESWSE Section 6, T6S, R21E, Carbon County. The headgate on Rock Creek is no longer usable and portions of the ditch have been filled in by adjacent land owners. No changes to purpose or pattern of use are proposed. All water rights that cover the irrigation place of use are proposed for change. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
5. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)
Montana Department of Natural Resources and Conservation
Montana Department of Fish, Wildlife and Park
Montana Department of Environmental Quality
Montana Natural Heritage Program
Montana Sage Grouse Habitat Conservation Program
United States Fish and Wildlife Service
United States Natural Resource Conservation Service

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – Rock Creek is identified as chronically dewatered by the Montana Department of Fish, Wildlife and Parks. The source is closed to new water right permits for surface water between June 1 and September 30. The proposed change in point of diversion will not worsen the current condition of Rock Creek because use of a pump rather than a ditch will reduce the quantity water diverted from the stream. No change in number of irrigated acres is proposed.

Determination: No significant impact

Water quality – Rock Creek between the west Fork and Red Lodge Creek is classified by the Montana Department of Environmental Quality as B1 which suitable for most uses after conventional treatment. The stream does not fully support aquatic life due to flow regime modification by water diversions and crop production. No change to water quality will occur from the use of a pump rather than a ditch. No change in return flows are predicted. Decreased diverted volume has the possibility to improve water quality.

Determination: No significant impact

Groundwater – The proposed change does not include a change in method of irrigation so infiltration and return flows will not change. No impact to groundwater quality or supply is likely.

Determination: No significant impact

DIVERSION WORKS - The proposed diversion is a trailer-mounted pump and no construction is anticipated. No changes to flow patterns and no impacts to the channel are foreseen. There are no dams or other construction and the moveable pump minimizes barriers and impact to riparian areas.

Determination: No significant impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program there are five animal species of concern in the project area and no plant species of concern. The animal species are the Black-tailed Prairie Dog, Hoary Bat, Golden Eagle, Great Blue Heron and Greater Sage Grouse. The proposed change from a headgate and ditch to a pump directly in the river would not create any barriers to animal movement or change available habitat. According to mapping by the Montana Sage Grouse Habitat Conservation Program, the project area does not lie in Sage Grouse habitat.

Determination: No significant impact

Wetlands – Mapping by the United State Fish and Wildlife Service shows no wetlands in the area with the exception of Rock Creek and adjacent riparian environments. No wetlands are proposed.

Determination: No significant impact

Ponds – No ponds exist in the project area currently and none are proposed.

Determination: No significant impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – The soil in the project area is Maurice-Bearmouth complex. This is a well-drained soil that is non-saline to very slightly saline. Agricultural irrigation will increase moisture content of the soil but will not degrade the soil or alter soil stability. There is very low potential for saline seep.

Determination: No significant impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The current vegetative cover is agriculture, primarily hay. No change to vegetative cover is anticipated. It will be the responsibility of the land owner to monitor and prevent the introduction or spread of noxious weeds.

Determination: No significant impact

AIR QUALITY – The change from a gravity driven ditch to a powered pump will require a source of energy. Increased energy consumption has a minimal potential to affect air quality. Other than the power source, agricultural irrigation has no potential to affect air quality.

Determination: No significant impact

HISTORICAL AND ARCHEOLOGICAL SITES – The project area is not located on State or Federal land.

Determination: Not applicable

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No other demands on environmental resources not mention above are recognized.

Determination: No significant impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans or goals.

Determination: No significant impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – There are no roads through the project area and no access to recreational or wilderness activities. Fishing access sites are available along Rock Creek. No change to fishing access is proposed.

Determination: No significant impact

HUMAN HEALTH – Irrigation of agricultural land has no potential to adversely affect human health.

Determination: No significant impact

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes___ No **X**___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: Not applicable

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: None recognized

Cumulative Impacts: None recognized

3. ***Describe any mitigation/stipulation measures:*** None
4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The only reasonable alternative to the proposed action is the no action alternative. The no action alternative prevents the land owner from improving the agricultural production from his land and has no significant environmental benefit.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

2. ***Comments and Responses:*** None

3. ***Finding:***
Yes___ No_X__ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: An environmental assessment is the appropriate level of analysis because there were no significant impacts recognized from the proposed action.

Name of person(s) responsible for preparation of EA:

Name: Mark Elison

Title: Regional Manager

Date: 5/7/2019